

**Pembroke Planning Board  
Minutes of Meeting  
(ADOPTED)  
July 12, 2016**

**MEMBERS PRESENT:** Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Larry Young, Sr.; Robert Bourque; Brent Edmonds; Fred Kline, Selectmen's Rep.

**ALTERNATES PRESENT:** Richard Bean

**EXCUSED:** Kathy Cruson

**STAFF PRESENT:** Stephanie Verdile, Town Planner; Jocelyn Carlucci, Recording Secretary

Chairman Topliff began the meeting at 7:00 p.m. Alternate Member Bean agreed to vote in place of Member Cruson.

Ms. Verdile mentioned the telephones at Town Hall were periodically out of service today.

**Guest:** Carol Ogilive of Central NH Regional Planning Commission

**New Business** – Public Hearing on Earth Excavation and Reclamation Regulations.  
Simple Site Plan process

Ms. Verdile said the Town Attorney made a few suggestions to the regulations. She and Ms. Ogilive agreed that a few details such as RSA references would be helpful but that the substance of the regulations was not changed by Counsel's edits.

Referring to Page 5 of 24, "Expansion", Member Edmonds questioned if Pembroke could exercise authority beyond Town limits. Ms. Ogilive said the reason for the definition is if an excavation goes beyond the limits of the Town, then that is an expansion that the Planning Board can say something about. A project can only expand under certain conditions such as grandfathering, even if it is in another town.

Member Young clarified that if a pit was grandfathered in Concord and came across to Pembroke, the pit would not automatically be grandfathered in Pembroke.

The Board agreed to alter the term "Operational Equipment" by changing the last sentence to read: "The term does not include the use of personal passenger vehicles to access or inspect the site."

Page 8 of 24, "197.10. Non-Conforming Expansions. Although Town Counsel changed all references from the "Zoning Board" to the "Planning Board", it was the consensus of the Board that since the Zoning Board of Adjustment deals with non-conformities, the authority in this paragraph should remain with the Zoning Board. Ms. Verdile will review this paragraph with Town Counsel.

Member Edmonds suggested that §197-11 C. (2) c) may want to consider not limiting any future technology that might be applicable. His past experience proved restrictions and covenants add burdens to property owners that may not be wise when there is no way of knowing what is coming in the future.

After a short discussion, it was agreed that “as may be required by the Planning Board; and” be added to the end of that paragraph.

Member Edmonds said documenting the road condition prior and after a hauling project is very important. With regard to Page 12 of 24, I, the Board concluded the applicant should be required to provide a road restoration plan in case the road is damaged by its hauling activities.

With regard to the Performance Guarantee, Ms. Verdile said the Town Attorney does not review letters of credit. They are reviewed by the Town Administrator.

Regarding Page 20 of 24, §197.27 D, the Board agreed to add “At the discretion of the Planning Board, Town Counsel may review . . .”

Chairman Topliff opened the public hearing at 8:23 p.m.

The Recording Secretary read aloud all additional changes made by the Board to the Earth Excavation and Reclamation Regulations as follows:

Pg. 5 of 24 – Operational Equipment: “Any equipment used . . . The term does not include the use of personal passenger vehicles to access or inspect the site.”

Pg. 8 of 24 - §197.10. Non-Conforming Expansions. “Expansion of existing excavations . . . may be restricted or modified with conditions by the Zoning Board, if after notice to the owner and a public hearing, the ZBA finds that the . . . determined by the ZBA during a duly noticed public hearing . . . consideration.”

Pg. 9 of 24 - §197.11 A (1) “No excavation shall be permitted within 100 feet of the property line . . .”

Pg. 10 of 24 - §197.11 C (2) c) “The applicant provides an enforceable . . . groundwater, as may be required by the Planning Board; and”

Pg. 12 of 24 §197.15 I “Road Repair. The applicant shall be held . . . to regulate said hauling in accordance with State law. The applicant shall provide a road restoration plan.”

Pg. 19 of 24 §197.27 D. “At the discretion of the Planning Board, Town Counsel may review the suitability and enforceability of the Performance Guarantee.”

There being no further questions or comments by the Planning Board or the public, Chairman Topliff closed the public hearing at 8:27 p.m.

**MOTION:** Vice Chairman Seaworth moved to adopt the changes as amended to the Earth Excavation and Reclamation Regulations. Seconded by Member Young.

<b>VOTE:</b>	R. Bean – Y	B. Seaworth – Y	A. Topliff – Y
	F. Kline – Y	R. Bourque – Y	L. Young – Y

**MOTION TO TO ADOPT THE CHANGES AS AMENDED TO THE EARTH EXCAVATION AND RECLAMATION REGULATIONS PASSED ON A 7-0 VOTE.**

**Simple Site Plan Process:**

Chairman Topliff asked that the Simple Site Plan be tabled to the next work session so that copies of the Simple Site Plan Process could be made.

**Old Business** – Master Plan re-write discussion

Alternate Member Bean suggested a postcard be mailed to all residents of Pembroke inviting them to take the Master Plan survey online with the help of an access code. For those residents that do not have access to a computer, they could call Town Hall with their access code, and receive a paper copy of the survey.

Alternate Member Bean left the meeting at 8:39 p.m.

Chairman Topliff said the intent was to look at the sections of the Master Plan and decide what sections the Board would like included in the revised Master Plan.

Member Bourque said the State required two Sections in a Master Plan: A Vision Section; and a Land-use Section. He commented that if there are too many sections, no one would read it.

Chairman Topliff stated all the prior Master Plan sections have value, but may not need to be an integral part of the Master Plan as long as the reference material is available (i.e. the Town website) and the Master Plan contains a listing of such references.

He did not feel that having data associated with the number of students attending each Pembroke school, would be helpful since the data would be outdated within a few years. Up to date data could be attained by the School District when needed.

Member Bourque said the Board should focus on the Vision and Land Use Sections, in order to discover what the residents want the Town to look like in the future.

Vice Chairman Seaworth said the RSAs state the Master Plan's purpose is for the Planning Board. Too much information could dilute the importance of the document.

Selectmen's Rep. Kline said one of the reasons the Master Plan efforts were so successful (i.e. the meetings, charrettes) is because the management efforts involved the Central NH Regional Planning Commission. They prepared the demographics data which was very useful for other Town projects such as preparing the most recent TIF grants. The data was able to be cut and pasted together within a short amount of time.

Ms. Verdile said the Master Plan is readily used by the Zoning Board. She emphasized the Master Plan provides the criteria for the basis of the zoning regulations along with the site plan and subdivision regulations. In legal battles, she said judges look heavily on the Master Plan for guidance in their rulings.

Member Bourque reiterated the Board needs to decide which chapters should be revised and kept. Once the chapters are decided, then the Board can design the survey questions appropriately.

Selectmen's Rep. Kline said many times the Town has referenced the Master Plan in what he would consider very serious Town events. The Master Plan has never failed to back him up. He gave the Route 3 corridor study as an example where the majority of the towns in the study, except for Pembroke, wanted a four-lane highway to run through their towns. He was not sure eliminating sections in the Master Plan would be advisable.

Chairman Topliff argued the Master Plan is a guidance document for the Planning Board. He said if the Board needed school population data, the Board could ask the school to provide the data.

Vice Chairman Seaworth said if the town's people expressed a desire to keep a school in the Village and the Master Plan reflected their desire, the Town would have a strong argument to keep a school there even though the School Board may have other thoughts. The Master Plan gives direction which is vital.

Chairman Topliff asked Ms. Verdile to list the sections of the Master Plan and email the list to each Planning Board member with the following questions under each Section: (1) Should this be included, (2) Does this need to be updated; (3) Is this section needed as an integral part of the Master Plan or is this section something that could be a reference document to the Master Plan; and (4) Should the level of detail in the current Master Plan be provided in the revised Master Plan.

Member Bourque said the demographics which contain a lot of census data could be reduced to 1-4 pages rather than the present 24 pages. He suggested eliminating the charts.

Selectmen's Rep. Kline suggested asking Central NH Regional Commission to attend the Planning Board meetings and ask them why the present Master Plan is so long. It could provide insight on what should or could be eliminated in the new updated version.

Chairman Topliff said the Master Plan should contain information that the Planning Board can use when developing regulations.

### **Minutes-** June 28, 2016 Business Meeting

**MOTION:** Vice Chairman Seaworth moved to approve the June 28, 2016 Minutes as presented. Seconded by Member Young. Unanimously approved.

### **Miscellaneous**

1. Correspondence- Ms. Verdile received the Business NH Magazine and the Planner Magazine.

## 2. Committee Reports-

Roads Committee: Vice Chairman Seaworth reported the current road projects are all done except for Rosedale. They also discussed the Committee's submittal to the CIP Committee for next year. They discussed the largest project which includes drainage and paving on East View and East Meadow Drives.

Board of Selectmen: Selectmen's Rep. Kline reported they have been active with the Safe Routes to School project. They received a grant on the sidewalks for Three Rivers School. They have also applied for another sidewalk project from Three Rivers School to Pembroke Academy coming out at the intersection of Broadway and Pembroke Street.

With regard to the TIF road project, Concord has regional impact concerns. Pembroke has tried to explain to NHDOT that Pembroke is not increasing traffic along any roadways, they are merely changing the direction of the traffic's exit onto Route 3 for safety purposes.

There have been parking issues downtown with Pine Street and Maple Street. Some of the staircases that lead from a number of the houses to the road fall at a parking space. This has created problems when it blocks access to the residence such as the mailman. The Selectmen decided to remove the spaces that block a resident's entryway.

## 3. Construction Escrow- Krazy Kids Planning Board escrow release.

**MOTION:** Member Bourque moved to authorize the Planning Department to release the Construction Escrow for Krazy Kids. Seconded by Vice Chairman Seaworth. Unanimously approved.

## 4. Planner Items-

Ms. Verdile reported there will be one application at the next business meeting. It is a boundary line adjustment between the Town and the School District. The Town Administrator is the applicant.

**MOTION:** Member Bourque moved to adjourn the meeting. Seconded by Vice Chairman Seaworth. Unanimously approved.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,  
Jocelyn Carlucci, Recording Secretary